

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/828,615
Filed: April 6, 2001
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REMARKS

Claims 23, 27-30 and 32-49 are pending in the subject application. No claim has been added, canceled or amended herein.

In view of the remarks set forth below, applicants respectfully submit that the Examiner's rejections made in the September 13, 2005 Office Action have been overcome, and request that the Examiner withdraw these rejections.

Obviousness-type Double Patenting Rejections

The Examiner provisionally rejected claims 23, 27-30 and 32-49 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over the claims of co-pending Application No. 10/116,797. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter of the instant claims overlaps that of the claims of the conflicting application. The Examiner also stated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) may be used to overcome a nonstatutory double patenting ground, provided the conflicting application or patent is shown to be commonly owned with the subject application.

In response, applicants attach hereto as **Exhibit 1** a Terminal Disclaimer relative to U.S. Serial No. 10/116,797, signed by the assignee of record of the entire interest in the subject application and in U.S. Serial No. 10/116,797, in compliance with 37 C.F.R. §1.321(c). Applicants maintain that the filing of the attached Terminal Disclaimer overcomes the present double patenting ground of rejection and therefore respectfully request that this ground of rejection be withdrawn.

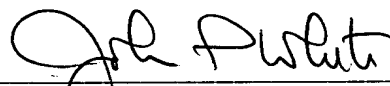
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In view of the foregoing remarks, applicants maintain that pending claims 23, 27-30 and 32-49 are in condition for allowance and earnestly solicit allowance of these claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

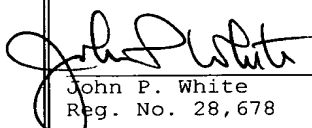
No fee, other than the enclosed fee of FIFTY-FIVE DOLLARS (\$55.00) required pursuant to 37 C.F.R. §1.321(b)(4) and §1.20(d) for filing the attached Terminal Disclaimer, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



John P. White
Reg. No. 28,678

9/27/05
Date